

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

SHONEY'S NORTH AMERICA, LLC, )  
                                    )  
Plaintiff,                     )  
                                    )       Case No. 3:12-cv-00625  
v.                              )       Judge Sharp / Knowles  
                                  )  
SMITH & THAXTON, INC., et al., )  
                                  )  
Defendants.                  )

**REPORT AND RECOMMENDATION**

On November 18, 2013, the undersigned entered an Order noting that the attorney previously representing Defendant Smith & Thaxton, Inc., had withdrawn from this case. Docket No. 58. The Order further noted that the corporation could not represent itself pro se. *Id.* The Order provided in relevant part:

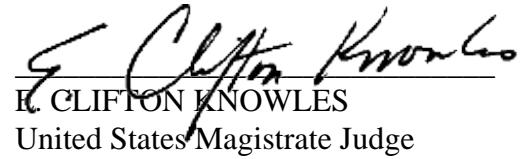
Smith & Thaxton, Inc. shall retain counsel, who shall enter an appearance in this action within thirty (30) days of the entry of this Order. If Smith & Thaxton, Inc. fails to abide by the provisions of this Order, the undersigned will recommend that a default be entered against it.

*Id.*

Defendant Smith & Thaxton, Inc. has failed to abide by the Court's Order. For the foregoing reasons, the undersigned recommends that a default be entered against it.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days after service of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have fourteen (14) days after service of any objections filed to this Report in which to file any

response to said objections. Failure to file specific objections within fourteen (14) days of service of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *See Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L. Ed. 2d 435 (1985), *reh'g denied*, 474 U.S. 1111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.

  
R. CLIFTON KNOWLES  
United States Magistrate Judge